



[3510-16]

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO-P-2017-0038]

Grant of Interim Extension of the Term of U.S. Patent No. 6,100,082; OCS™ Lung System

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of Interim Patent Term Extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 6,100,082.

FOR FURTHER INFORMATION CONTACT: Mary C. Till by telephone at (571) 272-7755; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Hatch-Waxman PTE, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571) 273-7755; or by e-mail to Mary.Till@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to

certain defined regulatory review, and that the patent may be extended for interim periods of up to one year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On September 6, 2017, TransMedics, Inc, an exclusive licensee of the patent owner of record, the Department of Veterans Affairs, timely filed an application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 6,100,082. The patent claims the medical device product, the OCS Lung System. The application for patent term extension indicates that a Premarket Approval Application (PMA) P160013 was submitted to the Food and Drug Administration (FDA) on April 28, 2016.

Review of the patent term extension application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for one year as required by 35 U.S.C. § 156(d)(5)(B). Because the regulatory review period will continue beyond the original expiration date of the patent, September 23, 2017, interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 6,100,082 is granted for a period of one year from the original expiration date of the patent.

Dated: September 14, 2017.

Robert Bahr,
Deputy Commissioner for Patent Examination Policy,
United States Patent and Trademark Office.

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